

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-00421-01-CR-W-HFS
	)	
PATRICK W. WILLIS,	)	
	)	
Defendant.	)	

**ORDER**

This case is scheduled for a change of plea. A motion to suppress (Doc. 24) has been heard and a report and recommendation has been filed, adverse to defendant. Objections have been filed (doc. 34).

A review of the transcript, briefing, and report and recommendation satisfies me that Magistrate Judge Hays is correct in recommending denial of the motion to suppress. The undisputed credible testimony at the hearing supports the discovery of the contents of the bag, as a result of lawful inquiry from defendant and his tacit consent to a search. The officers had a right to infer from defendant's partially unzipping the bag that he was voluntarily permitting a search. The context of the conversation supports the actions of the officers.

The motion to suppress (Doc. 24) is DENIED and the report and recommendation are ADOPTED.

/s/ Howard F. Sachs  
HOWARD F. SACHS  
UNITED STATES DISTRICT JUDGE

April 19, 2006

Kansas City, Missouri